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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,114	06/27/2003	Robert Austin Porter	POR1000.02A1	9256

7590
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Wells Fargo Center
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Sacramento, CA 95814

01/03/2007

EXAMINER

CRABTREE, JOSHUA DAVID

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/609,114	PORTER, ROBERT AUSTIN	
	Examiner	Art Unit	
	Joshua D. Crabtree	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the amendment dated 10/10/2006; claims 1-37 pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Knowles et al. (US 6,810,232).**

Knowles et al. disclose a response document processing system, suitable for use in test grading and survey analysis applications (Col. 2: 62-66).

With regard to claims 1, 5, 9, 10, 25, and the limitation of a variably positionable grading label comprising a variably positionable data field containing data, Knowles et al. disclose that documents containing data (such as names, identification numbers, etc.) may be imaged with the system (Col. 3: 15-21). Position of the data on a response document would be determined according to the embodiment, as well as the desire of a

user. Therefore, the invention of Knowles et al. is inherently capable of processing documents containing variably positionable data.

With regard claims 1, 5, 9, 10, 25, and 37, and the limitations that the grading label comprise an identification number input area and a grade input area, wherein the identification and grade input areas are selected from a group consisting of a set of input bubbles and boxed regions for hand-written indicia, Knowles et al. disclose that test forms containing input bubbles or handwritten information may be processed by the system (Col. 4: 57-65).

With regard to claims 1, 5, and the limitation of a means for locating the variably positionable grading label, imaging the data field, and transferring data from the data field to an electronic gradebook, and claims 4, 8, 20, 21, wherein the means comprises a digital camera, microprocessor connected to the camera, and software for carrying out the operations of finding the data field, obtaining an image of the data field, processing the data, and transferring the processed data into an electronic gradebook, Knowles et al. disclose that the device used for imaging the response documents may be a scanner, camera, or any other optical imaging device known in the art (Col. 5: 45-54; Col. 9: 1-5; See also Boxes 29 and 27 in Fig. 2). Knowles et al. disclose a computer connected to the imaging device, for processing (Box 28 in Fig. 2). The processed data may be archived electronically (Col. 12: 57-66).

With regard to claims 2, 6, 23 the invention of Knowles et al. is inherently capable of the feature wherein the positionable data field comprises a variably positionable

rectangle, since this feature merely amounts to a description of the data residing on a response document. Additionally, Knowles et al. disclose that it is known to response documents including rectangles (Us Pat. 5,752,836, incorporated by reference in Col. 5: 8-15).

With regard to claim 3, 7, 22, the data may reside on a document (Col. 4: 57-61).

With regard to claims 9 and 24, and the feature wherein the variably positionable data field comprises a variably positionable grading label, Knowles et al. disclose that the response documents processed by the system may include identifiers such as Machine Readable Identifiers (MRI), which may contain bar codes or other similar machine readable numbers or codes (Col. 8: 44-45).

With regard to claims 11-19, 26-34 the invention of Knowles et al. is inherently capable of processing documents containing the recited data elements (rows of bubbles, boxed regions, etc.), since these features pertain solely to the printed matter on the response documents. Additionally, Knowles et al. discloses that such features are known in the art (Us Pats. 5,711,673; 5,672,060; 5,184,003; 5,452,379, etc. incorporated by reference in Col. 5: 8-15).

With regard to claim 35, and the limitation of reading an image of a document having a variably positionable data rectangle, the invention of Knowles et al. is inherently capable of processing documents with this feature, since this feature pertains solely to the printed matter on a response document.

With regard to claim 36, Knowles et al. disclose that the response documents may be graded (Col. 4: 1-4), and that response forms may be archived electronically (Col. 12: 57-66).

Response to Arguments

3. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

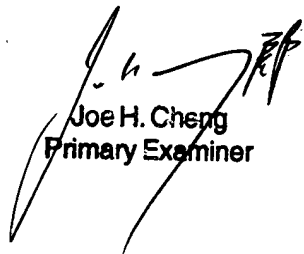
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC
Joshua D. Crabtree
December 14, 2006


Joe H. Cheng
Primary Examiner